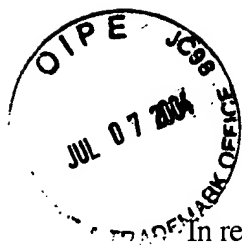


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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q64574

Hirobumi AOKI, et al.

Appln. No.: 09/869,142

Group Art Unit: 1652

Confirmation No.: 1209

Examiner: Christian L. FRONDA

Filed: June 26, 2001

For: NOVEL RHODOCOCCLUS BACTERIUM, NITRILASE GENE, NITRYL HYDRATASE GENE AND AMIDASE GENE FROM RHODOCOCCLUS BACTERIUM, AND PROCESS FOR PRODUCING CARBOXYLIC ACIDS USING THEM

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the interview conducted on June 29, 2004 between Examiner Christian L. Fronda and Attorney for Applicant Mark L. Hayman:

REMARKS

During the interview, the following were discussed:

(1) The outstanding written description rejection was discussed. Applicants' attorney pointed out that the claims, of elected Group II, recite microorganisms of the genus *Rhodococcus* produced by a mutagenesis procedure, such as that described in Example 1 of the specification. Further, Applicants' attorney pointed out that "transformants" are the subject of non-elected Groups IX-XI of the September 27, 2002 Restriction Requirement.

The Examiner stated that he will consider these comments when reviewing Applicants' Amendment filed June 9, 2004, and will contact the Applicants' attorney if further discussion is needed.

(2) The outstanding 102(a) rejection was discussed. Applicants' attorney explained that Figure 2 of Kato suggests that the heat-killed *Rhodococcus* is deficient in all nitrile degrading enzymes, including nitrilase. In addition, Applicants' attorney pointed out that the *Rhodococcus* of Kato is not a "mutant."

The Examiner stated that he will consider these comments when reviewing Applicants' Amendment filed June 9, 2004.

(3) No exhibit was shown or demonstration conducted.

(4) Claims 8, 10, 11 and 60-72 were discussed.

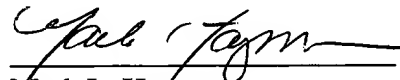
(5) Kato (1999) was the only art discussed.

(6) No proposed amendments were discussed.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



Mark L. Hayman
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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 7, 2004